

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**IN RE: NATIONAL PRESCRIPTION
OPIATE LITIGATION**

THIS DOCUMENT RELATES TO:

Case Track Three

Case No. 1:17-MD-2804

Hon. Dan A. Polster

**THE PARTIES' PROPOSED SCHEDULE
FOR THE TRACK THREE ABATEMENT PHASE**

Pursuant to the Court's e-mail directive of November 24, 2021, Plaintiffs Lake and Trumbull Counties and Defendants CVS, Walgreens, and Walmart propose the following schedule for the abatement phase of the Track Three cases:

December 15, 2021 – Plaintiffs will identify their fact witnesses and expert witnesses.

December 22, 2021 – Deadline for Defendants to request that Plaintiffs bring current prior productions of specific categories of documents, to serve one additional request for production related to settlements, and to serve six or less interrogatories related to settlements and the measure of oversupply of prescription opioids in Lake and Trumbull Counties. Plaintiffs reserve the right to object to new discovery requests related to settlements and the oversupply of prescription opioids.

January 7, 2022 – Plaintiffs will serve a proposed abatement plan or will confirm in writing that Appendix E to the April 16, 2021 Expert Report of G. Caleb Alexander constitutes their abatement plan.

February 15, 2022 – Depositions of Plaintiffs’ expert witnesses will be completed. The prior CMO which sets limitations on the re-deposition of expert witnesses previously deposed in CT 3 or elsewhere in opioid litigation applies.

March 1, 2022 – Supplemental depositions of Plaintiff fact witnesses, if any, will be completed. Depositions must be limited to two hours and cover only topics that are not duplicative of any topics covered during a prior deposition of the witness in this case. Plaintiffs reserve the right to object to the re-deposition of plaintiff fact witnesses.

March 15, 2022 – Defendants will serve their expert reports. Defendants will identify any fact witnesses they intend to call during the trial of the abatement phase.

April 15, 2022 – Depositions of Defendants’ expert witnesses will be completed. Depositions of any fact witnesses identified by Defendants will be completed. The prior CMO which sets limitations on the re-deposition of expert witnesses previously deposed in CT 3 or elsewhere in opioid litigation applies. Depositions of any fact witnesses must be limited to two hours and cover only topics that are not duplicative of any topics covered during a prior deposition of the witness in this case. Defendants reserve the right to object to the re-deposition of defendant fact witnesses.

May 9, 2022 – Trial of the abatement phase will begin.

In addition to the above items, Defendants believe there are threshold legal issues related to the scope of abatement that will need to be raised and resolved sufficiently in advance of trial. Plaintiffs believe these issues should be addressed in trial briefs. The parties request an opportunity to confer further about this issue and to raise any disagreements with Special Master Cohen or the Court in a supplemental submission to be made by December 15, 2021.

DATED: December 8, 2021

Respectfully submitted,

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